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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-47

13 **BRYAN D. PRATT,**
a.k.a. **BRYAN DAVID PRATT**
14 **225 Spruce Street**
Gridley, CA 95948

ACCUSATION

15 **Registered Nurse License No. 517399**
Nurse Practitioner Certificate No. 10730
16 **Nurse Practitioner Furnisher No. 10730**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),
22 Department of Consumer Affairs.

23 **Registered Nurse License No. 517399**

24 2. On or about November 2, 1995, the Board issued Registered Nurse License Number
25 517399 to Bryan D. Pratt, also known as Bryan David Pratt ("Respondent"). Respondent's
26 registered nurse license was in full force and effect at all times relevant to the charges brought
27 herein and will expire on July 31, 2011, unless renewed.

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1 **Nurse Practitioner Certificate No. 10730**

2 3. On or about June 18, 1999, the Board issued Nurse Practitioner Certificate Number
3 10730 to Respondent. Respondent's nurse practitioner certificate was in full force and effect at
4 all times relevant to the charges brought herein and will expire on July 31, 2011, unless renewed.

5 **Nurse Practitioner Furnisher No. 10730**

6 4. On or about January 5, 2000, the Board issued Nurse Practitioner Furnisher
7 Certificate Number 10730 to Respondent. Respondent's nurse practitioner furnisher number was
8 in full force and effect at all times relevant to the charges brought herein and will expire on July
9 31, 2011, unless renewed.

10 **STATUTORY AND REGULATORY PROVISIONS**

11 5. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
12 the Board may discipline any licensee for any reason provided in Article 3 (commencing with
13 section 2750) of the Nursing Practice Act.

14 6. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
15 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
16 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
17 (b), the Board may renew an expired license at any time within eight years after the expiration.

18 7. Code section 2761 states, in pertinent part:

19 The board may take disciplinary action against a certified or licensed
20 nurse or deny an application for a certificate or license for any of the following:

21 (a) Unprofessional conduct, which includes, but is not limited to, the
22 following:

23 (1) Incompetence, or gross negligence in carrying out usual certified or
24 licensed nursing functions . . .

25 8. California Code of Regulations, title 16, section ("Regulation") 1442 states:

26 As used in Section 2761 of the code, 'gross negligence' includes an
27 extreme departure from the standard of care which, under similar circumstances,
28 would have ordinarily been exercised by a competent registered nurse. Such an
 extreme departure means the repeated failure to provide nursing care as required or
 failure to provide care or to exercise ordinary precaution in a single situation which
 the nurse knew, or should have known, could have jeopardized the client's health or
 life.

1 **COST RECOVERY**

2 9. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Gross Negligence)**

8 10. At all times herein mentioned, Respondent was employed as a nurse practitioner by
9 Gridley Medical Group, Inc., Gridley, California.

10 11. Patient D. S., a 23 year old female, was seen at a naval hospital in another state with a
11 diagnosis of threatened abortion (miscarriage). On August 28, 2004, a Dilation and Curettage
12 (D & C) was performed to remove products of threatened (incomplete) abortion.


13 12. On October 13, 2004, Respondent evaluated the patient in a medical clinic.
14 Respondent documented in the provider notes that the patient presented with a complaint of lower
15 abdominal pain that had been on-going for a week. Respondent noted that the patient described
16 the pain as a "sharp crampy, type of sensation", that the patient felt she was going to the
17 bathroom more frequently, and that the patient had a D & C 3 weeks previously. A urine test was
18 performed to check for infection; the test results showed trace leukocytes. Respondent made a
19 diagnosis of urinary tract infection (UTI), gave the patient antibiotics, and instructed the patient to
20 return if her symptoms were not completely resolved in one week.

21 13. On October 26, 2004, the patient returned to the clinic. Respondent documented in
22 the provider notes that the patient was complaining of increasing abdominal discomfort "centered
23 around the area of her ovaries, just a little bit lower" (pelvic area). Respondent described the
24 patient's pain as "severe, cramping pain that radiates to her back." Respondent noted that the
25 patient had a D & C procedure 4 weeks previously. Respondent made a diagnosis of
26 abdominal/pelvic pain and discharged the patient with pain medication. Respondent documented
27 in the provider notes that the patient was instructed to return in one week unless her symptoms
28 were significantly worse, and that Respondent would then consider an abdominal ultrasound.

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3. Taking such other and further action as deemed necessary and proper.

DATED: 8/5/09


LOUISE R. BAILEY, M.Ed., RN,
Interim Executive Director
Board of Registered Nursing
State of California
Complainant

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